



PATENT  
Attorney Docket No. 101.0050-00000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#28

In re Application of:

Gary Karlin Michelson

Serial No.: 08/484,928

Filed: June 7, 1995

For: FRUSTO-CONICAL INTERBODY  
SPINAL FUSION IMPLANT

Group Art Unit: 3764

Examiner: M. Brown

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(c)**

Further to the Information Disclosure Statement filed November 3, 1999 and pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$240.00 as specified by Section 1.17(p).

Copies of the listed documents are attached.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

In the IDS dated January 14, 1999, applicant submitted a number of foreign references and entered "no" under the translation column on selected entries. Applicant is providing herewith abstract translations, search reports, or in some cases where available, more complete translations or U.S./U.K. related patents of the listed non-English foreign references:

Please note that in the IDS submitted July 9, 1997, ES 283078 is related to U.S. Patent No. 4,877,020, JP 57-29348 is related to U.S. Patent No. 4,349,921, and JP 61-122859 is related to U.S. Patent No. 4,759,766, all of which were also submitted in the IDS dated July 9, 1997. Additionally, the applicant submits herewith the following U.S./U.K. related patents corresponding with the following non-English references:

|            |              |
|------------|--------------|
| DE 1961531 | GB 1291470   |
| DE 2446039 | GB 1492990   |
| DE 4104359 | US 5,279,292 |
| FR 2295729 | GB 1531487   |

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This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant(s) determine(s) that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of

the documents be applied against the claims of the present application. If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: December 5, 2000

By: 

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